

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM D. SMITH,

Plaintiff,

v.

DALE FETROE, *et al.*,

Defendants.

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No. CV-11-5093-CI

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

BEFORE THE COURT is Plaintiff's "Objection to Magistrate Judge's Ruling . . . and Motion for Reconsideration of Plaintiff's Motion to Compel Protection of Legal Mail Delivered," which the court construes as a Motion for Reconsideration. ECF No. 84. Plaintiff is proceeding *pro se*; Assistant Attorney General for the State of Washington Brian J. Considine represents Defendants. The parties have not consented to proceed before a magistrate judge.

Plaintiff appears to object to several portions of the undersigned's Order entered January 10, 2013, in which the court denied his motion to compel, continued the hearing on Defendant's motion for summary judgment, and directed Defendants to inform Plaintiff of the new hearing date. ECF No. 83. He asks that certain portions of the Order be deleted or revised. ECF No. 84.

A motion for reconsideration must include facts or law to convince the court its prior decision must be reversed. Reconsideration is an extraordinary remedy. *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). The following grounds justify

1 reconsideration: "an intervening change in the controlling law";
2 newly discovered evidence; and the need to correct clear error. 389
3 *Orange St. Partners v. Arnold*, 179 F.3d 656, 667 (9th Cir. 1999).
4 Plaintiff's allegations of facts fails to meet this standard.
5 Although Plaintiff may not agree with the court's resolution of his
6 Motion, he has failed to present arguments or legal authority to
7 justify reconsideration of the court's ruling. Accordingly, **IT IS**
8 **ORDERED** Plaintiff's Motion for Reconsideration, **ECF No. 84**, is
9 **DENIED**.

10 The District Court Executive is directed to file this Order,
11 provide a copy to Plaintiff and counsel for Defendants.

12 DATED April 18, 2013.

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14 S/ CYNTHIA IMBROGNO
15 UNITED STATES MAGISTRATE JUDGE
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